

Unvalidated References:

Village Courts Act 1989

*Organic Law on Provincial Governments and Local-level
Governments*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 5 December 1974.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 44.

Village Courts Regulation 1974

ARRANGEMENT OF SECTIONS.

1. Interpretation.
2. Conditions of service of Village Magistrates, etc.
3. Prescribed offences.
4. Records of settlement by mediation.
5. Record of preventive orders.
6. Record of orders.
7. Identification of Village Magistrate.

SCHEDULE 1

Village Courts Regulation 1974

DEEMED to have been made under the *Village Courts Act 1989*.

Dated 200 .

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears “Council area” means the area in and for which a Local-level Government is established under the *Organic Law on Provincial Governments and Local-level Governments*.

2. CONDITIONS OF SERVICE OF VILLAGE MAGISTRATES, ETC.

¹The State shall pay—

- (a) to each Chairman of a Village Court, remuneration at the rate of K425.00 per annum; and
- (b) to each Deputy Chairman of a Village Court, remuneration at the rate of K378,00 per annum; and
- (c) to each Village Magistrate, remuneration at the rate of K347.00 per annum; and
- (d) to each Clerk of a Village Court, remuneration at the rate of K315.00 per annum.

3. PRESCRIBED OFFENCES.

The following are prescribed offences for the purposes of Section 22(a) of the Act:—

¹ Section 2 replaced by the *Village Courts (Amendment) Regulation 1989* (No. 8 of 1989).

- (a) taking or keeping, without the consent of the owner, the property of another to a value not exceeding K100.00;
- (b) striking another person without reasonable cause;
- (c) using insulting words or conduct;
- (d) using threatening words or conduct;
- (e) using offensive words or conduct;
- (f) intentional damage to trees, plants or crops belonging to another person;
- (g) intentional damage to trees, plants or crops belonging to the defendant and another person;
- (h) intentional damage to any other property belonging to another person;
- (i) making a false statement concerning another person that offends or upsets him;
- (j) spreading false reports that are liable to cause alarm, fear or discontent in the village community;
- (k) conduct that disturbs the peace, quiet and good order of the village, or of a resident of the village;
- (l) drunkenness in the Village Court area;
- (m) carrying weapons so as to cause alarm to others in the Village Court area;
- (n) failure to perform customary duties or to meet customary obligations after having been informed of them by a Village Magistrate;
- (o) failure to comply with the direction of a Village Magistrate with regard to hygiene or cleanliness within a Village Court area;
- (p) sorcery, including—
 - (i) practising or pretending to practise sorcery; or
 - (ii) threatening any person with sorcery practised by another; or
 - (iii) procuring or attempting to procure a person to practise or pretend to practise, or to assist in, sorcery; or
 - (iv) the possession of implements or charms used in practising sorcery; or
 - (v) paying or offering to pay a person to perform acts of sorcery.

4. RECORDS OF SETTLEMENT BY MEDIATION.

(1) A Village Court or a Village Magistrate shall, as soon as possible after arriving at the settlement of a dispute by mediation under Division III.4 of the Act, make, or cause to be made, a record of the agreement in Form 1.

(2) A copy of the record made under Subsection (1) shall be served on each party to the dispute.

5. RECORD OF PREVENTIVE ORDERS.

(1) As soon as possible after making a preventive order under Section 15 of the Act, a Village Magistrate shall make, or cause to be made, a record of the order in Form 2.

(2) A copy of the order referred to in Subsection (1) shall be served where practicable on the party or parties specified in the order.

6. RECORD OF ORDERS.

(1) A Village Court or a Village Magistrate shall, as soon as practicable after making an order, make, or cause to be made, a record of the order—

(a) in the case of an order relating to—

- (i) the payment by an offender of compensation or damages; or
- (ii) the payment by an offender of a fine; or
- (iii) the performance by an offender of community work or works of a specified kind,

in Form 3; or

(b) in the case of an order for the imprisonment of an offender—in Form 4.

(2) Where practicable, a copy of a record made under Subsection 1 shall be served on the party or parties specified in the order.

7. IDENTIFICATION OF VILLAGE MAGISTRATE.

On appointment, a Village Magistrate shall be issued with an identification certificate in Form 5.

SCHEDULE 1

PAPUA NEW GUINEA.

Village Courts Act 1989.

Form 1 – Record of Settlement Order.

Reg., Sec. 4. Form 1.

Village Magistrates

Clerk

Complaint of (*name of complainant*) ... of ... (*address*)

AGAINST

Defendant (*name*) ... of ... (*address*)

Statement of complaint

Date of hearing ... 20 . Place of hearing

Dispute settled on mediation between parties

Settlement in following terms agreed on in presence of (*Magistrate*):—

Date ... 20 .

Village Magistrate/Village Court Clerk/Deputy Village Court Clerk.

PAPUA NEW GUINEA.

Village Courts Act 1989.

Form 2 – Record of Preventive Order.

Reg., Sec. 5. Form 2.

Village Magistrate

Date of Order ... 20 .

On whom made ... (*name of person to whom order directed*) of ... (*address*)

I, ... , Village Magistrate, believing that a dispute (*or a threatened dispute*) may cause a breach of the peace order that ...(*name*) of ... (*address*)

...

and that you appear before the Village Court at ... (*place*) at ... on ... 20 .

Village Magistrate/Clerk.

Note.—

If you disobey this order you may be fined K200.00 or imprisoned for six months.

PAPUA NEW GUINEA.

Village Courts Act 1989.

Form 3 – Record of Order.

Reg., Sec. 6(1)(a). Form 3.

Village Magistrates

Clerk (*name*)

Complaint of (*name of complainant*) ... of ... (*address*)

AGAINST

Defendant ... (*name*) of ... (*address*)

Statement of complaint

Date of hearing ... 20 . Place of hearing ...

Defendant present? ... Represented by ...

Witnesses examined ...

Order,

...

I testify that this record is correct.

Dated ... 20 .

Magistrate/Clerk.

PAPUA NEW GUINEA.

Village Courts Act 1989.

Form 4 – Record of Order for Imprisonment.

Reg., Sec. 6(1)(b). Form 4.

On ... 20.. (name) of ... (address)

was sentenced to ... (period of imprisonment) imprisonment for failing to obey the Court's Settlement/Preventive order* Case No.

Which was that

...

Made ... 20.. by ... Village Court.

Village Magistrate/Village Court Clerk.

Enacted under Section 34 of the Village Courts Act.

The above Order for Imprisonment was endorsed by me on ... 20..

District Court Magistrate.

A Warrant of Commitment was issued by me this date. The sentence is to run from

... 20 ,

*the date of arrest of the Defendant

*the date on which the Defendant was taken into custody.

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Village Courts Act 1989.

Form 5 – Certificate of Appointment of Village Magistrate.

Reg., Sec. 7. Form 5.

I, ... , Provincial Supervising Magistrate for the ... Province, certify that ... (*name*) of ... (*address*) was appointed a Village Magistrate for the ... Village Court on ... 20..., and shall hold office until ... 20...

Appointment published in National Gazette No. ... dated ... 20...

Dated ... 20...

Provincial Supervising Magistrate.

Village Courts Regulation 1974